

### **REMARKS**

This amendment responds to the final office action mailed September 11, 2008. In the office action the Examiner:

- rejected claims 1-2, 9-11, 14-15, 20-21, 24-25, and 29 under 35 U.S.C. 102(e) as anticipated by Bates et al. (US 5,877,766);
- rejected claims 3-8, 16-19, and 22-23 under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (US 5,877,766), in view of Finseth et al. (US 6,271,840);
- rejected claims 12-13 under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (US 5,877,766) in view of Katinsky et al. (US 6,452,608).

After entry of this amendment, the pending claims are: claims 1-22, 25, and 29 -51.

### **REMARKS REGARDING AMENDMENTS TO THE CLAIMS**

Independent claims 1 and 22 have been amended to correct typographical and/or grammatical errors. Claims 1 and 25 have been amended to remove the modifier, "hidden." Claim 23 and 24 have been canceled.

Claims 2 has been amended to state that the content structure has "a textual table format." Support for this change is found in at least pages 18 -21 and Figures 6B-6E of the Application as Filed.

New claims 30-51 have been added. Support for these new claims is found in at least pages 14 – 26 and Figures 6A – 8B of the Application as Filed.

No new matter has been added.

With respect to all amendments, the Applicants have not dedicated or abandoned any unclaimed subject matter. Moreover, the Applicants have not acquiesced to any characterizations of the invention, nor any rejections or objections of the claims, made by the Examiner.

### **CLAIM REJECTIONS - 35 U.S.C. § 102(e)**

The Examiner rejected claims 1-2, 9-11, 14-15, 20-21, 24-25, and 29 under 35 U.S.C. 102(e) as anticipated by Bates et al. (US 5,877,766). For a proper showing that these claims are anticipated by Bates, all elements of each rejected claim must be disclosed in the cited reference. The rejected claims include independent claims 1, 2, 24, and 29. Although independent claim 22 was rejected under § 103, it will also be discussed now.

## Claims 1 and 22

Claim 1 states:

1. A system for navigating and browsing electronic media, comprising:

a device enabling viewing of digitally stored information, the device being configured to display at least portions of a categorization structure having a plurality of nested cascading category levels, each category level of the plurality of nested cascading category levels comprising a plurality of category titles of electronic media content stored on at least one storage device, each category title having a selectable link-token to the stored content for said each category title, said each category title also being coupled to a nested subcategory structure of said each category title, the nested subcategory structure of said each category title comprising link-tokens of category titles wherein said each category title and the category titles in the different plurality of category levels are able to be browsed independently of having to select and retrieve the stored content for any title from the at least one storage device, wherein the categorization structure enables a user viewing content of any category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieval command.

(emphasis added)

Bates does not disclose “wherein said each category title and the category titles in the different plurality of category levels are able to be browsed independently of having to select and retrieve the stored content for any title from the at least one storage device.”

In the previous office action, the Applicant argued that in Bates “multiple retrieval commands are necessary to retrieve a document using the map display.” (4/2/08 Office Action Response, page 12.) The Examiner responded to this argument saying that “[n]othing in the claim refers when the structure is created.” (09/11/08 Office Action, page 17.) The Applicant respectfully disagrees, and contends that the above quoted claim language indicates that the categorization structure is browse-able, even the very first time the electronic media is viewed “independently of having to select and retrieve the stored content.” In other words, the claimed categorization structure is created in whole and facilitates immediate browsing without the need of any user to first download the pages. Bates, on the other hand, requires that at least one user download every page before it is added as a node on the map as explained below.

The Examiner notes that Bates Column 16 lines 39-67, teaches a map which is already created for the user and that the add command is a custom feature that may not be granted to the user. (09/11/08 Office Action, page 17.) While Bates does teach that sometimes users are not given permission to change a map, this is because they are using a map that has been created by another user's actions. (Bates, Col. 9, lines 32-42.) Thus, at any rate, the maps of Bates show the records browsed or searched at one time by a user (regardless of whether the current user is the same user or another member of that original user's group). In other words, Bates teaches creating maps from items already retrieved by a user so that the same user (or a related user) can easily navigate back to these records again.

In contrast, the claim 1 states "each category title and the category titles in the different plurality of category levels are able to be browsed independently of having to select and retrieve the stored content for any title from the at least one storage device." Thus, claim 1 allows for browsing of content without having been previously "retrieved" by the user. Therefore, because Bates does not disclose a categorization structure able to be browsed independently, but instead requires that the information have already been retrieved by at least one user, it does not anticipate claim 1.

Bates also fails to teach "each category level of the plurality of nested cascading category levels comprising a plurality of category titles of electronic media content stored on at least one storage device." Bates teaches a map with a plurality of nodes which "represent individual records." (Bates, Col. 6, lines 25 – 36.) The nodes of Bates do not each comprise a "plurality of category titles" but instead each represent just a single "individual" record. As such Bates also fails to anticipate claim 1 for failing to teach this element.

In light of the above, it is respectfully submitted that Bates does not disclose, teach, or suggest all of the limitations of claim 1. Accordingly, Bates cannot anticipate any of the claims that depend from claim 1. For at least these reasons, claim 1 and its dependent claims are patentable over Bates. Therefore, the Applicant respectfully submits that the Examiner withdraw the rejection of claim 1 and its dependent claims under U.S.C. § 102(e).

Likewise, Bates fails to teach these analogous elements of independent claim 22, and Finseth does not remedy this failing of Bates. Therefore, the Applicant respectfully submits that the Examiner withdraw the rejection of claim 22 under U.S.C. § 103.

Claim 2

Claim 2 states:

2. A system for tracking the navigation and browsing of electronic media, and facilitating the changing of navigation and browsing path, the system comprising a computer configured to display to a user pages of content within an inter-linked content structure having a textual table format comprising at least three category levels, and to enable the user to retrieve with one single retrieval command any desired content page within the inter-linked content structure from a display of every other content page of the inter-linked content structure.

(emphasis added.)

Bates does not disclose “an inter-linked content structure having a textual table format.” Bates teaches a map made up of nodes which are interconnected by links. (Bates, Abstract.) As shown in figure 1, Bates’s map has a spider-like quality that allows a user to visually see the connections between one record (node) and another. In some embodiments, like those shown in Figure 2 of Bates, a user is allowed to slide along the node bar (82) of the record, to see where in the record the link, represented by a circular peg (84a) exists, and then follow the link (84) to the next record (82a). While it is undisputed that Bates’s map shows an interesting navigation technique through interconnected records, it certainly does not show a “content structure having a textual table format.”

While the Examiner states that Bates “teaches displaying information within menu systems” at Column 6, lines 50-67, this is actually a misreading of Bates. (09/11/08 Office Action, page 9.) In fact, all that Bates teaches is that its spider-like map may be used to “represent private databases, menuing systems, etc.” (Bates, Col. 6, lines 50-67.) In other words, the Bates’s spider-like map may represent certain navigated portions of a menu system, but Bates does not display information in a menu format. Thus, Bates does not disclose any sort of “textual table format” display. The current claim, as amended, now requires that the claimed content structure “have a textual table format” as shown in Figure 6B – 6E of the Application as Filed. Bates does not disclose this content structure format. Therefore, for at least this reason Bates does not anticipate claim 2.

In light of the above, it is respectfully submitted that Bates does not disclose, teach, or suggest all of the limitations of claim 2. Accordingly, Bates cannot anticipate claim 2. For at

least this reason, claim 2 is patentable over Bates. Therefore, the Applicant respectfully submits that the Examiner withdraw the rejection of claims 2 under U.S.C. § 102(c).

Claim 29

Claim 29 states:

29. A system for navigating and browsing electronic media comprising:

at least one storage device storing a plurality of interlinked web pages of a web site; and a computing device configured to provide over a computer network the web pages to a user, each web page of the plurality of interlinked web pages comprising a starting symbol for a gateway to viewing a categorization tree structure that comprises link-tokens for the web pages of the plurality of interlinked web pages, wherein when the user viewing content of said each web page places a cursor on the starting symbol of each said web page the computing device causes at least a portion of the categorization tree structure to be displayed on each said web page and wherein the categorization tree structure enables the user to use a single click to (1) return to any previous web page of the plurality of interlinked web pages, and (2) navigate to web page of the plurality of interlinked web pages on a different browsing path from the browsing path of said each web page.

(emphasis added.)

Bates does not disclose “each web page of the plurality of interlinked web pages comprising a starting symbol for a gateway to viewing a categorization tree structure.” As stated previously, “Bates’s map displays are not comprised in each of the web pages.” (4/2/08 Office Action response, page 12, emphasis added.) The Examiner’s response regarded whether or not a node in Bates could be considered a “starting symbol.” (09/11/08, page 18) However, whether or not a node can be considered a “starting symbol” is irrelevant to the patentability of claim 29, because even if a node was a “starting symbol (which the Applicant does not acquiesce), Bates still does not teach every element of claim 29.

Claim 29 states that “each web page” comprises “a starting symbol.” Bates does not disclose web pages with starting symbols. Bates does not disclose any web pages that have starting symbols used as gateways to view the categorization structure. Instead, in Bates, either the user is viewing the map, as shown in Figures 1 or 2, or the user has already selected a particular record from the map and thus is viewing the web page itself. Bates does not

disclose that while in a particular web page, one can also view the map by selecting a symbol in the web page itself. In fact, there is no way that Bates could teach such a situation because Bates's invention involves an "after market" navigation system to be used for pre-existing web pages (no matter how they are structured), whereas the current claim is directed to categorization tree of the web site that is originally built into each page of that website for easy navigation.

In light of the above, it is respectfully submitted that Bates does not disclose, teach, or suggest all of the limitations of claim 29. Accordingly, Bates cannot anticipate claim 29. For at least this reason, claim 29 is patentable over Bates. Therefore, the Applicant respectfully submits that the Examiner withdraw the rejection of claim 29 under U.S.C. § 102(e).

#### **REMARKS CONCERNING REJECTIONS UNDER 35 U.S.C. 103**

The Examiner rejected claims 3-8, 16-19, and 22-23 under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (US 5,877,766), in view of Finseth et al. (US 6,271,840) and rejected claims 12-13 under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (US 5,877,766) in view of Katinsky et al. (US 6,452,608).

Independent claim 22 has been discussed above. All the other claims rejected in this section are dependent claims, and as such are patentable over Bates for at least the same reasons as the independent claims from which they depend. Finseth and Katinsky fail to remedy the deficiencies of Bates as discussed above. Therefore, it is respectfully submitted that all of the currently pending claims are patentable over Bates, Finseth, and or Katinsky for at least the same reasons as those presented above. Therefore, the Applicant respectfully submits that the Examiner withdraw the rejection of claims 3-8, 16-19, and 22-23 under 35 U.S.C. 103(a) as being unpatentable over Bates and Finseth, and also withdraw the rejection of claims 12-13 as being unpatentable under 35 U.S.C. 103(a) as being unpatentable over Bates and Katinsky.

#### **REMARKS CONCERNING NEWLY SUBMITTED CLAIMS**

Claims 30 – 51 have been added. These include independent claims 31, 42, 45, 50, and 51. These claims are patentable for at least some of the same reasons as those listed above. For example, Bates does not teach a secondary and tertiary category navigation regions ... "being displayed only upon roll-over..." as claimed in claim 31. In fact the

Examiner admits that "Bates does not teach viewing a categorization structured without clicking." (9/11/08 Office Action, page 7.) The other cited art does not cure Bates's deficiencies. At the most Finseth may show a "thumbnail" with live links, but does not display in response to a roll-over secondary and tertiary category regions. For similar and analogous reasons claims 42, 45, 50, and 51 are also patentable over the cited art. Furthermore, none of the cited art shows a "tracking string display region" as claimed in claims 42 and 50. Therefore, the Examiner is respectfully requested to allow these newly submitted claims.

By responding in the foregoing remarks only to particular positions asserted by the Examiner, the Applicants do not necessarily acquiesce in other positions that have not been explicitly addressed. In addition, the Applicants' arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at (650) 843-4000, if a telephone call could help resolve any remaining items.

Respectfully submitted,

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